

Application No. 10/617,221
Amendment dated June 23, 2005
Reply to Office Action dated March 24, 2005

REMARKS

Claims 2, 4, 7, 8, 10, 11, 13-15, 18, and 21-23 are at issue. Claims 1, 3, 5, 6, 9, 12, 16, 17, 19, and 20 have been canceled. No claims have been allowed.

Applicant notes that the Examiner has rejected most claims on the basis of two newly cited references, Caveney et al. and Bayes. However, the Examiner has not addressed claims 6, 17, and 18 which were pending. Applicant has now canceled claims 6 and 17. Claim 18 remains pending. Applicant also notes that on the second page of the Office Action claim 18 has been indicated rejected. Applicant does not know on the basis of which cited reference claim 18 was rejected.

Applicant notes that in the prior Office Action dated September 16, 2004 the Examiner had indicated claims 5-7, 12-14, and 19 to be allowable if rewritten in independent form. Applicant did rewrite those claims in independent form. However, the Examiner, in spite of his assertion that the claims would be allowable if rewritten, has cited further prior art and has now rejected all of those claims.

Claims 21, 2-4, 6, 7, 22, 10, 11, 13, and 14 have been rejected under 35 U.S.C. 102(e) as anticipated by the U.S. publication US2003/0056907 (Caveney et al.) published March 27, 2003.

Caveney et al. discloses portable walls for games particularly for use in playing or practicing ballgames. As stated in paragraph [0017] of Caveney et al., the purpose of the invention is a portable wall to provide a rebound or return surface against which a ball can be kicked or otherwise projected and returned to the general direction of the player for subsequent control and/or re-play. The wall is stated to be particularly of value for practice by a solo player.

Of the rejected claims, claims 21 and 22 are independent. Claim 21 has been amended whereby it now calls for an article of seating furniture comprising a rigid supporting frame including a frame wall comprising a composite frame member having a long dimension, the frame having a width dimension, the long dimension at least twice the width dimension. Further, claim 21 calls for the composite frame member to include at least two frame members having end portions coupled to and partially overlapping one another and a third frame member wherein the two frame members have their overlapping end portions interlockingly connected to the third

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frame member whereby the article of seating furniture may be disassembled and shipped as a ready-to-assemble article of seating furniture in a container which is substantially shorter than the long dimension.

As explained in the specification, the purpose of the invention is to provide an article of seating furniture which can be shipped in a relatively small container, i.e., a container much shorter than the long dimension of the seating member, such as a couch. By providing a rigid supporting frame, as called for in claim 21, an article of furniture, such as, for instance, a ready-to-assemble couch, can be easily shipped in a relatively small container by, for instance, UPS or other package handlers, and assembled by the user. Previously entire assembled couches needed to be shipped by special shipping methods.

Caveney et al., instead, shows the construction of portable walls for practicing ballgames. Caveney et al. does not disclose an article of seating furniture having a rigid supporting frame including a composite frame member having a long dimension which is at least twice the width dimension of the frame. Further, Caveney et al. does not disclose a composite frame member having two frame members which each have their overlapping end portions interlockingly connected to a third frame member. Finally, Caveney et al. does not disclose an article of seating furniture which may be disassembled and shipped as a ready-to-assemble article of seating furniture in a container which is substantially shorter than the long dimension. Instead, Caveney et al. does disclose a panel which comprises two sections (Figure 14 et seq.) comprising panel sections 121.1 and 121.2 which are connected by means of a hinge 122.1, which hinge is supported by a support member 123.1. Caveney et al. does not disclose overlapping the ends of sections 121.1 and 121.2. Instead, those sections are hingedly connected together whereby Caveney et al. can use the hinge to form corner portions of his structure. Applicant decidedly does not wish to have hinges interconnecting his frame members as that would defeat the purpose of creating a rigid supporting frame. Further, the wall structure of Caveney et al. is decidedly not an article of furniture. While Humpty Dumpty could sit on a wall, he had a great fall. Most persons would not sit on a wall as a wall is not a suitable article of seating furniture.

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Applicant respectfully submits that Caveney et al. does not anticipate nor render obvious Applicant's invention as claimed in claim 21 for all of the above reasons.

Claim 22 is similar in nature to claim 21 but further calls for a plurality of upholstery components attached to the frame. Caveney et al.'s wall structure does not disclose such limitations.

The remaining claims which have been rejected on the basis of Caveney et al. are dependent on either claims 21 or 22. For all of the above reasons, Applicant respectfully submits that the rejected claims distinguish over and are not obvious in view of Caveney et al.

Claims 21, 2, 7, 8, 22, 15, and 23 have been rejected on the basis of Bayes, U.S. Patent 3,584,916. Bayes discloses radius pew (seating) modules. As can be clearly seen from Bayes, Bayes provides pew sections 22 which are substantially longer than their width dimension. Sections 22 are butted end to end and are then secured together. Bayes does not have any rigidity concerns as the pew sections are constructed as one piece modules. Furthermore, the long pew sections would not be very shippable which is one of the major purposes of Applicant's invention. Bayes' modules would need to be shipped by special carrier. Thus, Bayes does not disclose a rigid supporting frame comprised of one frame wall which has a long dimension which is at least twice the width of the width dimension of the frame and wherein the frame includes a composite frame member including two frame members, which each have an end portion, which are coupled to one another and partially overlap each other and are interlockingly connected to a third frame member. Bayes also does not disclose an article of seating furniture which may be disassembled and shipped as a ready-to-assemble article of seating furniture in a container which is substantially shorter than the long dimension. For all of the above reasons, Applicant respectfully submits that Bayes does not anticipate nor render obvious claims 21-23 nor the claims dependent thereon.

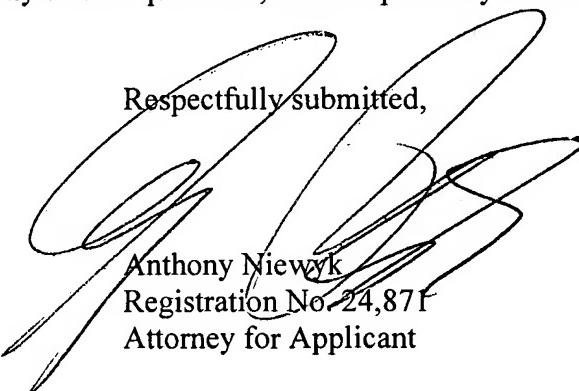
For all of the above reasons, Applicant respectfully submits that all claims are in condition for allowance and respectfully requests allowance thereof.

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In the event Applicant has overlooked the need for an extension of time, payment of fee, or additional payment of fee, Applicant hereby petitions therefore and authorizes that any charges be made to Deposit Account No. 02-0385, Baker & Daniels LLP.

Should the Examiner have any further questions, he is respectfully invited to telephone the undersigned at 260-460-1695.

Respectfully submitted,



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